

REMARKS/ARGUMENTS

In response to the Final Office Action dated April 25, 2005, claims 1, 8, 10 and 12-15 are amended. Claims 1-15 are now active in this application. No new matter has been added.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103

I. Claims 8-11, 14 and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Parulski et al. (USPN 6,573,927), for the reasons substantially of record.

Claims 1-7, 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Parulski et al. in view of Iijima et al. (USPN 6,621,524), for the reasons substantially of record.

II. In the previous response dated October 21, 2004, Applicant argued that neither “Album heading” nor “Vacation images” are a kind of an object in a specific image data. More specifically, “Album heading” and “Vacation images” refer to subject matter for grouping images, not a kind of an object in a specific image data. Also, “Happy Birthday” is not a type of object within an image, but refers to a subject matter of the image data.

The Examiner responds by asserting that “kind” and “type” *do not require specific descriptions of the object in an image* (emphasis added). The Fourth Edition of the American Heritage College Dictionary defines “kind” as “A group of individuals linked by traits held in common” and defines “type” as “A number of people or things having in common traits or characteristics that distinguish them as a group or class”. However, nothing in the definitions change the fact that neither “Album heading” nor “Vacation images” are a kind of an object in a specific image data, or that “Happy Birthday” is not a type of object within an image. “Album heading”, “Vacation images” and “Happy Birthday” refer to a subject matter of the image data.

For example, “Vacation images” would certainly include many different objects in each specific image data. However, “Vacation images” does not correspond to “a type/kind of object” in the image data. Thus, if there is a mountain as an object in an image data, recording “Vacation images” as a type of this object is miss-descriptive of the kind of object in the selected frame. While the mountain (taken during a vacation) would be part of the subject matter “Vacation images”, a person of ordinary skill in the art would never come to the unrealistic conclusion that “Vacation images” somehow explains/describes that the object in the image is a mountain (or generically, landscape). Similarly, while an image of a person (taken during a vacation) would be part of the subject matter “Vacation images” also, “Vacation images” would still not explain/describe that the object in the image is a person (or generically, a being/life form).

It is well understood that some words/expressions have different definitions. However, when selecting definitions for words of a claim, reasonableness of the definitions must be presumed. Claim 1 requires that there be an object in image data and that the specific information that is to be included include the type of the object in the image data. Exactly what is the object in the image that is labeled “Vacation images”? Since “Vacation images” does not describe what the object in the image is, “Vacation images” cannot reasonably be considered a type/kind of object.

However, to expedite prosecution, independent claim 1 is amended to add:

wherein
the specific information regarding the type of the object corresponding to
the selected frame describes what the object is.

Thus, in amended independent claim 1, “type of object” is now required specifically to *describe what the object* (in the image) *is*, addressing the Examiner’s above-noted assertion in

the Office Action that “that “kind” and “type” *do not require specific descriptions of the object in an image* (emphasis added).” Independent claims 8, 10 and 12-15 are similarly amended.

Clearly, neither “Vacation images” nor “Album heading” “describe what the object is” in image, but merely refer to the subject matter of the image data.

With regard to claims 8 and 14, in the previous response it was noted that column 5, lines 46-48 of Parulski et al. describes that a user may decide to crop and rotate the image *according to the template*. Applicant note also that there is nothing in Parulski et al. regarding using a specific correction parameter corresponding to the object that is arranged in the object area data, as required by independent claims 8 and 14.

In the present Office Action, the Examiner asserts “c.7, % ImageRef: CreativeDetail 1 specifies that the object is to be corrected using the specific correction parameters defined in the CreativeDetail 1 section.” However, in the APPENDIX of Parulski et al., %Section: CreativeDetail 1 (Describes each composite image) again only refers to cropping and rotating the image according to the template, as can be seen from the emphasized portion of:

%ImageRef: ImageDetail1 (Points to images defined below)

.
.
.

%Section: CreativeDetail 1 (Describes each composite image)

%LayoutRef: T12345 (*Indicates template ID or template image file*)

%Section: PageInfo

%PageRef: 0

%Section: TextInfo (*Indicates what text appears in the template*)

%TextNodeRef: 1

%ConsumerText: .about.Hi, I'm having a relaxing time on vacation. John Smith

%EndSection: TextInfo

%Section: ImageInfo (*Indicates which images(s) appear in template*)

%ImageNodeRef: 2

%ImageDetailRef: 1

%CropRect: 256 0 768 1280 (*Cropped image top, left, width, height*)

%Rotate: 90 (Indicates rotation in degrees clockwise)
%EndSection: ImageInfo
%EndSection: PageInfo
%EndSection: CreativeDetail

If the Examiner considers that %Section: CreativeDetail 1 does **NOT** only refer to cropping and rotating the image according to the template, it is respectfully requested that he specifically identify where in the Appendix of Parulski et al. support for such position is provided.

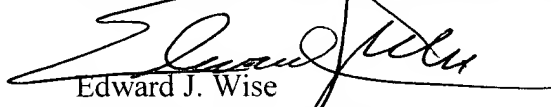
CONCLUSION

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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